रजिस्ट्री सं० डी०एल०-33004/95 REGISTERED No. DL-33004/95

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 30] नई दिल्ली, शुक्रवार, जून 2, 1995/ज्येष्ठ 12, 1917
No. 30] NEW DELHI FRIDAY, JUNE 2, 1995/JYAISTHA 12, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

SECRETARIAT
GOVT. OF INDIA

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 2nd June, 1995:—

I

BILL No. XIV OF 1995

A Bill to provide for the compulsory police verification of antecedents of a person proposed to be employed as a domestic servant by an employer or a family in order to prevent the spate of ghostly crimes being committed by domestic servants in the national capital territory and other parts of the country particularly union territories and for matters connected therewith.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Domestic Servants (Compulsory Police Verification of Antecedents) Act, 1995.

(2) It extends to the Union territories only.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "domestic servant" means any person who works in someone else's household for wages or for food and lodging whether on full-time basis or part-time basis;

(b) "employer" means the person who is the head of the family,

(c) "Government" means the Central Government;

(d) "Police" means the local police under whose territorial jurisdiction the household or place of work of the domestic servant falls;

(e) "prescribed" means prescribed by rules made under this Act.

Compulsory notification of antecedents of domestic servants to Police

3. (1) Notwithstanding anything contained in any other law for the time being in force it shall be obligatory for every employer to submit the particulars of antecedents of the person whom such employer proposes to employ as domestic servant, alongwith his recent photograph to the nearest Police Station in the prescribed form for being verified by Police.

(2) The Form for verification shall contain such particulars and such details as may be prescribed and such forms, shall be made available to every proposed employee free of cost.

(3) The Police shall complete the verification within such period as may be prescribed, and

(4) Every employer who has already employed a domestic servant prior to the commencement of this Act, without his antecedents being verified by the Police, shall get the antecedents of such domestic servant verified within a period of one month after the commencement of this Act.

Police to keep a Register of domestic servants whose antecedents have been verified.

4. Every Police Station shall keep a register to record therein such particulars of the domestic servants working within its territorial jurisdiction in such manner as may be prescribed.

Power of Inspection.

5. Every employer shall, whenever so required by any Police Officer, not below the rank of Inspector, produce, for the inspection of such Police Officer, the particulars of his domestic servant or the domestic servant in person, as the case may be, to ensure the genuineness of such domestic servant.

Information by Police.

6. Any information pertaining to the criminal record of a domestic servant, shall be given to every Police Station and his description shall be flashed in the Television and or print media to caution the general public in such manner as may be prescribed.

Penalty.

7. (1) Any employer who contravenes the provisions of section 3 shall be liable to a fine which shall not be less than five thousand rupees but which may extend to fifteen thousand rupees.

(2) Any employer who contravenes the provisions of section 5 shall be liable to a fine which may extend to ten thousand rupees.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Of late ghastly crimes are being committed by domestic servants particularly in the National Capital Territory of Delhi. The *modus operandi* of these domestic servants is very simple. They gain entry in a household in the garb of a domestic servant and strike at the right opportunity. They not only take away the valuables of the household they are supposed to serve but often kill their employers also. In some cases, entire families were wiped out by these criminal domestic servants. In most of the cases, the killer servants could not be apprehended because their antecedents were not got verified by their employers and these servants had given fictitious names and fake addresses. Many households did not even had their photographs because they had struck within few days of their employment.

Experience shows that many employers do not get their servants verified because of over-confidence. Some do not do so fearing that the domestic servant will get annoyed and will leave their houeshold, which, of course, is true in most of the cases. Since domestic servants are not available in plenty, most of the households take a risk and ultimately suffer heavily. In the absence of authentic particulars the Police can not do anything and the cases remain unsolved. For instance, it is known to everybody that the domestic servants hailing from another country flee to their country after committing the crime. Once they succeed in crossing the international border nothing can be done in the absence of an extradition treaty between India and that country whose Police also can not help their Indian counterparts in the absence of the particulars of the domestic servant.

Hence, to reduce the ghastly crimes being committed by domestic servants the verification of their antecedents should be made compulsory so that they can be brought to book if they commit the crimes in the garb of domestic servants.

Hence, this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Police shall make available the prescribed form free of cost to the employers of prospective domestic servants. Clause 6 provides that information pertaining to the criminal record of a domestic servant shall be flashed in print media. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two lakhs may be involved on this account every year.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power in the Bill is of normal character.

BILL No. XV OF 1995

A Bill to regulate the establishmtnt and functioning of blood banks so as to make it obligatory to meet the safety standards by such blood banks by ensuring quick screening of the blood and testing it for HIV and other Viruses and to provide for deterrent punishment for procuring blood from professional blood donors, by the blood banks and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Blood Banks (Regulation) Act, 1995.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(*b*) "blood bank" means a place where blood donated by human beings is stored for therapeutic purposes in hospitals, dispensaries and nursing homes, etc;

(*c*) "licensing authority" means the authority appointed by the appropriate Government to issue licences for establishing blood banks within its territorial jurisdiction;

(*d*) "professional blood donor" means a person who sells his blood for money to a blood bank or hospital;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "standard for blood donation" means the minimum prescribed standards of normal height, weight for a blood donor corresponding to his age and stature at the time of donating the blood;

(*g*) "voluntary blood banks" means those blood banks which rely entirely on voluntary and replacement donations of blood like the Indian Red Cross and Government Hospitals.

Compulsory licensing for blood banks.

3. No Blood Bank, except the voluntary blood banks, shall operate in any manner unless such blood bank holds a licence for that purpose issued under section 4 of this Act.

Application for licence.

4. (*1*) An application for licence referred to in section 3 shall be made in the prescribed form to the licensing authority which may issue a licence under the provisions of this Act if it is satisfied that the proposed blood bank has,—

(*a*) well-equipped laboratory and trained personnel including nurses for conducting stringent tests of the blood received by it;

(*b*) facilities for blood component separation; and

(*c*) such other facilities as may be prescribed for the efficient functioning of a blood bank.

(*2*) The licence under sub-section (*1*) shall be issued on such other terms and conditions as may be prescribed.

(*3*) Any person aggrieved by the refusal of a licensing authority, to issue or renew a licence under this Act, may appeal within one month of such refusal to the Central Government whose decisions thereon shall be final.

Licence to be pasted.

5. Every licensed blood bank shall keep its licence pasted in a conspicuous place in the premises of the blood bank.

Testing of blood by blood banks.

6. (*1*) It shall be the duty of every blood bank to test the blood stringently against Hepatitis-B, AIDS, Malaria, Sexually Transmitted and other Blood communicable Diseases.

(2) The blood so screened and tested under sub-section (1) shall be kept in a sealed bottle and every unit of blood thereof shall be certified negative for the diseases referred to in the aforesaid sub-section.

Separation of blood components by the blood banks.

7. Every blood bank shall endeavour to separate blood components such as red blood corpuscles, factor 8, plasma, etc. so as to restrict the whole blood transfusion to those who do not require whole blood transfusion.

Standards for blood donation to be followed compulsorily.

8. Every blood bank while receiving the blood from a donor shall follow the standards prescribed form blood donation and ensure that the donor fulfils the criteria prescribed in this regard.

Prohibition of receiving blood from professional blood donors.

9. No blood bank shall receive blood from the professional blood donors and every blood bank shall give a certificate to that effect to the appropriate Government from time to time in such manner as may be prescribed.

Keeping of registers by blood banks.

10. Every blood bank shall keep registers in the prescribed form properly written in the English, Hindi or a regional language prescribed in the Constitution and shall record therein the time at which and the person from whom the blood was received or blood was given or sold with description of such person, address and occupation and such particulars as may be prescribed.

Act to be administered by Inspectors appointed under the Drugs and Cosmetics Act, 1946.

11. The provisions of this Act shall be administered by the Inspectors appointed under Section 21 of the Drugs and Cosmetics Act, 1940, by the appropriate Government in such manner and with such powers as may be prescribed.

23 of 1940.

Establishment of blood testing Centres by the appropriate Government.

12. (1) The appropriate Government shall establish such number of blood testing centres as it may deem necessary for the purposes of this Act.

(2) The centres established under sub-section (1) shall function round the clock.

Appropriate Government to seek voluntary donations through public media.

13. The Appropriate Government shall, through the electronic and or print media, publicise the need of blood donation in the public interest remove the ignorance and misconception that donating blood is injurious to health and organise blood donation camps periodically in colleges, offices, factories and such other places to meet the blood requirements in the country.

Penalty.

14. (*1*) Every person who is concerned with the management of a blood bank which contravenes the provisions of this Act, shall be deemed to be guilty of such contravention and shall be liable for,—

(*a*) imprisonment for a term which may extend to two years and with fine which may extend to two lakh rupees in case of contravention of section 3;

(*b*) fine which may extend to ten thousand rupees in case of contravention of section 5;

(*c*) imprisonment for a term which shall not be less than five years but which may extend to seven years and with fine which may extend to two lakh rupees in case of contravention of section 6;

(*d*) imprisonment for a term which shall not be less than three years but which may extend to five years and with fine which may extend to one lakh rupees in case of contravention of section 8;

(e) imprisonment for a term which may extend to two years and with fine which may extend to one lakh rupees in case of contravention of section 9; and

(*f*) imprisonment for a term which may extend to one year and with fine which may extend to twenty five thousand rupees in case of contravention of section 10.

Power to make rules.

15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Human blood is required for transfusion for performing major surgical operations in the hospitals and nursing homes. Regular blood transfusion is also required for haemophiliacs and thalassemic patients. To meet the blood requirements for the said purposes, thousands of blood banks are operating in the country and majority of them are without licence and are ill-equipped. They obtain blood mainly from the professional donors and pass on to the needy persons without testing it whether it is infected with dangerous diseases like Hepatitis B, AIDS, Malaria and sexually transmitted diseases endangering the life of the patient to whom such blood is transfused. The blood banks claim that their tests are stringent but it is an open secret that to cut the costs, these commercial blood banks pool the blood samples together for testing which they know is highly unsafe. Even in the national capital a number of children suffering from thalassemia major contracted the dreaded disease AIDS through blood transfusion when they were given the blood procured from the unauthorised blood banks. This alone shows the apathy of blood banks in conducting stringent tests of the blood supplies received by them. It is, therefore, necessary that the blood banks must get licences to operate from the Government which must ensure compliance of some standards before granting licence to the blood banks. One major condition that should be there is that the blood banks must be well-equipped and well-staffed. It must be so, because the country's perpetual blood shortage is worsened by the fact that very few blood banks have facilities for blood component separation. Whole blood transfusion is only needed for those who have suffered heavy blood loss but other patients need only a particular component of blood which can be separated and administered. For example, anaemics and thalassemics need just red blood corpuscles, haemophiliacs need only factor 8 and burn victims need plasma. Yet all these people are given whole blood resulting in loss of precious components of the blood that could have been given to somebody else.

Another problem relating to blood banks is of professional donors who range between fifty thousand to two lakhs in number who sell their blood regularly to the blood banks. It is alleged that most technicians of commercial blood banks know every professional donor by face and allow them to donate even if they do not meet the minimum health

standards of height and weight. Those donors are registered under fictitious names and addresses. According to a study done in 1989, out of every 1000 professional donors 39 were tested HIV positive which proves the gravity of the situation created by these professionals. This is to be checked by providing deterrent punishments and other measures.

In our country, very few voluntary blood donors come forward mainly due to ignorance and misconception that donating blood is injurious to health. The Government has done little to allay such fears which has to be done through electronic and/or print media, in a big way and arrange blood donation camps frequently.

This Bill seeks to achieve the above objects.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides that the provisions of the Act will be administered by Inspectors appointed under the Drugs and Cosmetics Act, 1940. Clause 12 provides for the establishment of public blood testing centres for the purposes of this Bill. Clause 13 provides for the publicity to be done by the Government to allay the fears related to blood donation. The Bill, if enacted and brought into operation would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two crores may involve as recurring expenditure per annum.

A sum of rupees one hundred crores may also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power of normal character.

III

BILL No. XXXII OF 1995

A Bill to provide for the basic amenities such as dwelling units with latrine, bathroom, tap-water, severage, one electric bulb, PDS shops, recreation centres with T.V. and indoor games, community and health care centres, Barat ghar, play grounds, public parks, public library etc. by the state to the common citizens to enable them to derive the maximum benefits of economic progress made by the country and for matters connected therewith

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title extent and commencement.

1. (*1*) This Act may be called the Common Citizens (Basic Amenities) Act, 1995.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(*b*) "common citizen" means any citizen who has attained the age of eighteen years and who does not pay any tax on property or income under the laws for the time being in force;

(c) "prescribed" means prescribed by rules made under this Act.

Appropriate Government to provide Basic facilities to common citizens.

3. The appropriate Government shall, within its territorial jurisdiction, provide to every common citizen following amenities to cater to their needs:—

(i) Dwelling units of adequate size at affordable price having facilities of tap water, fatrine, bathroom, sewerage, one electric connection and such other facilities as may be prescribed.

(ii) Essential commodities of daily use at subsidised rates through PDS shops in the vicinity, to the economically weaker section of the society.

Explanation:—For the purpose of this clause "weaker section" means a citizen whose monthly income, from all sources, does not exceed one thousand rupees;"

(iii) health care centres with adequate medical infrastructure in such number and at such places as may be prescribed;

(iv) primary, secondary and senior secondary schools in such number and at such places as may deemed necessary;

(v) community halls, with televisions and provisions for indoor games, auditorium, stage, lecture rooms, and such other facilities as may be prescribed;

(vi) Barat Ghars, play grounds, Public Parks and Public libraries for such number of common citizens and for such number of areas as may be prescribed.

Central Government to provide funds to the State Governments.

4. For the purposes of this Act the Central Government shall, after due appropriation may by Parliament in this behalf, allocate sufficient funds to the State Governments from time to time.

Overriding effect and Savings

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to remove difficulty

6. If any difficulty arises in giving effect to the provisions of this Act the President may, by order published ni the Official Gazette, make such provisions, not inconsistent with such provisions, of this Act, as appears to him to be necessary or expedient for removing the difficulty.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our coutry is in fact inhabited by the poor. More than forty percent of our total population lives below the poverty line. Majority of the remaining sixty percent are the common men who subsist on hard work. They remain too busy in earning their two square meals forgetting other requirements of their life. Majority of the population lives in villages and slums in the urban areas in mudhouses and semi pucca houses without the facilities of electricity, severage, toilet and other civic amenities. They do not have any means of recreation. There are very few health care centres particularly in the rural and remote areas with inadequate medical staff, equipments and medicines. Similar is the situation of schools. In some schools there is only one teacher who too remains on leave and such schools do not even have a single blackboard. Similar is the position of Barat Ghars, play grounds, public parks, public libraries etc. This shows that the progress made by the country after independence has not reached to the masses. It is the sacred duty of the State to extend the benefits of the economic progress made by the country to the common citizens by providing houses, drinking water, latrines, bathrooms, electricity, essential commodities, recreation facilities, Barat Ghars, play grounds and parks, public libraries etc. to them.

Hence the Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide various amenities to the common citizens of the country such as dwelling units, essential commodities at subsidised rates, healthcare centres, schools, community halls, Barat Ghars, Playgrounds, public parks and public libraries. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crores may be involved as recurring expenditure per annum.

A sum of rupees five thousand crores may also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is, therefore, of normal character.

IV

BILL NO. XXIX OF 1995

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act 1995.

2. It shall come into force at once.

Amendment of article 371.

2. In article 371 of the Constitution, in clause (2), sub-clause (*a*), for the words "the rest of Maharashtra" the words "Konkan" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Government of India has cleared the proposal for setting up of Development Boards in the State of Maharashtra. The decision would enable setting up of statutory development boards for Vidharbha and Marathwada under aricle 371 (2) of the Constiution. But to remove the regional imbalance of development it is proposed that statutory development board for Konkan region is also established so that proper development of Konkan region also takes place.

DR. BAPU KALDATE

V. S. RAMA DEVI,
Secretary-General.

Published by the Secretary-General, Rajya Sabha under rule 68 of the Rules of Procedure and Conduct of Business in the Rajya Sabha.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI 1995.